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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,924	02/12/2002	Junh-Hsien Tu	2769-120	3754
6449	7590	03/22/2005	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005			FILIPCZYK, MARCIN R	
		ART UNIT		PAPER NUMBER
		2161		

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/072,924	TU ET AL.	
	<b>Examiner</b> Marc R Filipczyk	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 2/2/2002 and 10/25/2004.  
2a)  This action is FINAL.                            2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-18 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 12 February 2002 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_.  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## DETAILED ACTION

This action is in response to application filed on February 2, 2002 in which claims 1-18 are presented for examination and an amendment filed on October 25, 2004 responsive to Examiner's *Ex parte Quayle* submitted on September 3, 2004.

The Allowable Subject Matter indicated by the Examiner on 9/3/04 is **withdrawn** after thorough reevaluation of the disclosure/claims and new prior art of record. As such, the prosecution on the merits is re-opened.

**To expedite the process of examination Examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. amendments, 35 U.S.C. 112, objections and the like) set forth by the Examiner that Applicants provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the **first paragraph** of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Claims 1-18 contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The automatic storage and retrieval system (AS/RS) comprising a database for storing storage bin data each including a material was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention.

***Claim Rejections - 35 USC § 112***

Claims 1-18 are rejected under 35 U.S.C. 112, **second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 11, the segment, “storage bin data each including a material” is indefinite. Storage bin data each including a material is not definite because it is not clear what storage bin data and material are, and further it is not clear how the storage bin data and material are related to the communication network. Second, the phrase, “a corresponding storage bin” is indefinite. It is not clear what a corresponding storage bin is and how it corresponds to the storage bin.

Further regarding claim 1, the feature of “displaying via the AS/RS” is indefinite. It is not clear how a storage and retrieval system (AS/RS) is able to display data instead of an interface or a display unit.

Further regarding claim 11, the segment, “logged-in the AS/RS” is indefinite. It is not clear if the identification number is used for logging in the system, further, it is not clear if the user logs into the system.

Regarding claims 2-10 and 12-18 depend from claims 1 and 11 respectively, and are therefore rejected on the same basis.

To expedite the prosecution of the application, storage bin and storage bin datum are interpreted by the Examiner as file and data file, respectively.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as best as the Examiner is able to ascertain as being anticipated by Van Dyke et al (herein “Dyke”) (U.S. Patent No. 6,412,070).

Regarding claims 1, 5 and 11, Dyke discloses a method and system for operating an automatic storage and retrieval system (AS/RS) connected by a programmable logic controller (PLC) through a network (fig. 2, items 120, 125 and 145), the AS/RS has a first database (fig. 2, 125) to store data files (col. 5, lines 2-8), controlling authorization for identifying the data files and an identification number corresponding to the data files (col. 6, lines 20-24), comprising:

displaying data files on a user’s computer device after a user logged in the AS/RS through an identification number provided for the user, and receiving a selected data file from the data files by the user (col. 6, lines 10-24);

searching for the data file’s access permissions to compare and match with the user’s security ID (col. 6, lines 18-24); and

granting or denying access to the data file based on the compared access permissions and user’s security ID (col. 6, lines 25-56).

Regarding claims 2 and 13, Dyke discloses a second database (col. 6, lines 11-13).

Regarding claims 3 and 15, Dyke discloses storing a plurality of records, including the identification number of the user, login time and selected data (fig. 4 and col. 5, lines 30-35).

Regarding claims 4 and 16, Dyke discloses the user's device is a computer (col. 4, lines 25-40).

Regarding claims 6, 7 and 17, Dyke discloses databases and a database server (fig. 2, items 120 and 125).

Regarding claims 8, 9, 12 and 14, Dyke discloses query statements (fig. 2 and col. 6, lines 20-24).

Regarding claims 10 and 18, Dyke discloses the communication network is internet or intranet (col. 4, lines 25-40).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is (571) 272-4019. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF  
March 17, 2005

*Frantz Coby*  
FRANTZ COBY  
PRIMARY EXAMINER